IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2256 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MODY NILESHKUMAR ARVINDLAL

Versus

REGIONAL PASSPORT OFFICE

Appearance:

1. Special Civil Application No. 2256 of 2002

MR MA SAPA for Petitioner No. 1

Mr.D.N.Patel for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 15/02/2002

ORAL JUDGEMENT

1. Rule. Mr.D.N.Patel waives service of rule on behalf of respondent.By consent rule is fixed forthwith.

2. Heard Mr.Sapa for the petitioner and

Mr.D.N.Patel, who appeared for the respondent.

3. Petitioner has approached this court praying for seeking direction that the respondent - authority be directed to correct the date of birth mentioned in his Passport, as earlier the Passport authority has, while issuing Passport on 13.9.94, mentioned the date of birth of the petitioner as 18.8.1972. In fact petitioner was born on 18.7.1972. The petitioner has annexed various documents including the application form submitted by the petitioner to the Passport authority for issuing Passport in favour of the petitioner by showing the date of birth as 18.7.1972 and the petitioner has also annexed the duplicate School Leaving Certificate issued by Desai Maganlal Dayalji Ghaswala Municipal High School, Valsad dated 13.2.1991 and in the said School Leaving Certificate the date of birth of the petitioner is shown as 18.7.1972. The affidavit is also filed by the father of the petitioner,namely, Shri Arvindlal Thakordas to show that the date of birth of the petitioner is 18.7.1972 and his son was born at Valsad, Gujarat State (India) on 18.7.1972. It is the case of the petitioner that when the petitioner has approached the respondent authority as per Application Annexure "B", the authority has refused to accept the same by putting endorsement on the said application "Courts Order" and the petitioner has also averred in paragraph 4 of the petition to that effect.

4. As found, while issuing Passport, it is the mistake on the part of the authority while putting the date of birth of the petitioner as 18.8.1972, even though the petitioner has placed reliance upon the School Leaving Certificate dated 13.2.1991 and the duplicate Certificate issued on 29.7.1993, which shows that the date of birth of the petitioner was 18.7.1972. As per rules, the Passport authority is not in a position to correct such mistake by his own and accordingly the petitioner was advised to approach the court.

5. In view of the fact that the Passport authority has issued passport by mentioning wrong date of birth as 18.8.1972, the respondent - authority is directed to consider the application of the petitioner in accordance with law and even examine the School Leaving Certificate issued by the School and decide the same. The respondent authority is directed to charge necessary fees for issuing new Passport.

With these observations the petition is disposed of. Rule is made absolute. There will be no order as to

costs. Direct service is permitted.

(D.K.Trivedi,J)

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